

Appl. No. 10/820,913

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Attorney Docket No. 10541-2028

NOV 07 2006

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 2-5 remain pending.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 2-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Pub. No. 2002/0097585, to Mochizuki et al. ("Mochizuki"). Applicant respectfully traverses this rejection.

As noted by the Examiner, Mochizuki discloses a vehicle headlamp having a main reflector 13 forming a low beam and a sub-reflector 19. Mochizuki at paragraph [0035] and FIG. 1. Two *manual* aiming screws 11 are configured for concurrent vertical and horizontal *manual* adjustment of the main reflector 13 and the sub-reflector 19. See *id.* at paragraph [0034] and FIG. 2. However, amended claim 2 requires the vertical adjusting action member to form a part of an *automatic vertical* adjusting system. From this, it is submitted that Mochizuki fails to disclose a vehicle headlamp comprising a low beam light chamber and a high beam light chamber vertically adjusted by a vertical adjusting action member that is part of an *automatic vertical* adjusting system.

Further, the Examiner asserts that providing an automatic means cannot generally be used to distinguish over manual prior art if the automatic means accomplishes the *same result*. *In re Venner*, 120 USPQ 193 (CCPA 1958). However, an automatic means used to accomplishes an entirely *different result* may

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distinguish over manual prior art. See *id.* The vertical aiming screw 11 of Mochizuki manually tilts a bracket 5 to allow the reflectors 13 and 19 to be set to a *static* vertical alignment. Mochizuki, paragraphs [0033] – [0035] and Figs. 2-3. As a result, the vertical alignment, once set, of the reflectors 13 and 19 of the headlamp of Mochizuki cannot be changed during operation of the vehicle. On the other hand, the automatic vertical adjusting system of the present invention accomplishes an entirely different result since the vertical alignment of the high and low beam light chambers may be adjusted to optimize the illumination of the road between high beam, low beam and flash operational modes during operation of the vehicle. See App. 10/820,913 at paragraphs [0037], [0042] and [0043]. Based on this, it is respectfully submitted that the automatic vertical adjusting system of the present invention distinguishes over the manual system of Mochizuki because the automatic system accomplishes an entirely *different result* than the manual system. See *in re Verner*.

Accordingly, for at least the above reasons the rejections based on Mochizuki should be withdrawn.

Claim Rejections - 35 U.S.C. §103(a)

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0097585, to Mochizuki et al. ("Mochizuki"). Applicant respectfully traverses this rejection.

Since claim 4 depends from claim 2, which has now been shown to be allowable, it is respectfully submitted that claim 4 is likewise allowable for at least the same reasons as claim 2. Specifically, and as discussed above, Mochizuki fails to disclose or suggest a vertical adjusting action member that is part of an *automatic*



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vertical adjusting system providing dynamic vertical adjustment to both a low beam light chamber and a high beam light chamber.

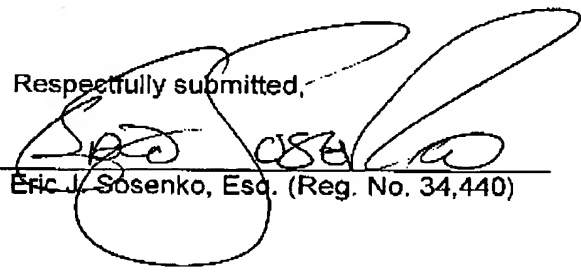
In that Mochizuki fails to disclose or suggest the above features, it must be concluded that Mochizuki cannot render claims 4 and 5 of the present application as obvious. The rejection under § 103 should therefore be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

11/7/06
Date

Respectfully submitted,


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